

**United States District Court  
Northern District of New York**

**DEFAULT JUDGMENT**

**UPSTATE NEW YORK CARPENTERS PENSION, HEALTH & ANNUITY FUNDS, by Earl Hall and Gary Toth as Trustees; EMPIRE STATE CARPENTERS APPRENTICESHIP COMMITTEE by John J. Fuchs and Joseph Olivieri, as Trustees; and EMPIRE STATE REGIONAL COUNCIL OF THE UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA, REGION 3, CARPENTERS LOCAL NO. 747, by Gary Toth, as Senior Council Representative**

**Plaintiffs'**

**VS.**

**5:05-CV-1536 (NAM)**

**BGA CONSTRUCTION, INC. and BENJAMIN GAUDIOSI, Individually**

**Defendants'**

**[X] Decision by Court.** This action came to hearing before the Court. The issues have been heard and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED**

That the motion for default judgment is granted and plaintiffs are awarded the following relief:

- An award of attorneys' fees and costs totaling \$7,180.33 against defendants, jointly and severally;
- An award of damages against defendant Benjamin Gaudiosi for \$42,819.23 as of March 1, 2007, comprising the unpaid contributions, interest and liquidated damages payable to the Upstate New York Carpenters Pension, Health & Annuity Funds(\$35,638.90), plus the attorneys' fees and costs of the action (\$7,180.33) (as awarded above), with additional interest and "double interest" liquidated damages of \$14.72 per day to be added thereon beginning March 1, 2007 to the date judgment is entered in the action; and

- An award of damages against defendant BGA Construction, Inc. for \$42,819.23 as of March 1, 2007, comprising the unpaid contributions, interest and liquidated damages payable to the Upstate New York Carpenters Pension, Health & Annuity Funds (\$35,638.90), plus the attorneys' fees and costs of the action (\$7,180.33) (as awarded above), plus the additional unpaid Empire State Carpenters Apprenticeship Committee contributions, dues and UBC/IAF deductions, with interest and liquidated damages thereon (totaling \$6,477.01), amounting in all to \$49,296.24 in damages recoverable defendant BGA as of March 1, 2007, with additional interest and "double interest" liquidated damages of \$15.56 per day (\$14.72 per diem for the Upstate New York Carpenters Pension, Health & Annuity Funds; \$ .09 per diem for the Empire State Carpenters Apprenticeship Committee; \$ .75 per diem for hourly dues deductions and the UBC/IAF Funds) to be added thereon beginning March 1, 2007 to the date of entry of judgment.

All of the above pursuant to the Order of the Honorable Chief Judge Norman A. Mordue dated the 29th day of June, 2007.

**JULY 2, 2007**

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**DATE**

**LAWRENCE K. BAERMAN**

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**CLERK OF COURT**

s/

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**JOANNE BLESKOSKI  
DEPUTY CLERK**